

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

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| GEORGE GUTIERREZ LUNA, Plaintiff, vs. SOUTH DAKOTA DEPARTMENT OF CORRECTIONS, STATE PENITENTIARY OFFICIALS, ADMINISTRATIVE STAFF, Defendants. | 4:17-CV-04145-KES ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE |
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Plaintiff, George Gutierrez Luna, is an inmate at the South Dakota State Penitentiary in Sioux Falls. On October 10, 2017, Luna requested a court order requiring the South Dakota Department of Corrections to reinstate the contract attorney and paralegal. Docket 1. Then Luna filed a motion to declare all submissions in this case as null and void. Docket 8.

The case was referred to Magistrate Judge Veronica Duffy under 28 U.S.C. § 636(b)(1)(B) for a report and recommendation. On March 5, 2018, the magistrate judge submitted her report and recommended that Luna's motion to declare all submissions in this matter as null and void (Docket 8) be granted and the case dismissed without prejudice.

Luna was notified in the report and recommendation that he had 14 days to file objections to the report. The deadline for objections was March 22, 2018. Luna filed an objection on March 23, 2018 and states he did not intend to file a

complaint. He merely intended to send letters to the court informing it of conditions at the prison. He does not want to be obligated to pay any filing fees.

The court reviewed the matter de novo under *Thompson v. Nix*, 897 F.2d 356 (8th Cir. 1990). The magistrate judge's report and recommendation is adopted in full. Therefore, it is

ORDERED that:

1. The report and recommendation of the magistrate judge (Docket 12) is adopted in full.
2. Luna's motion to declare all submissions in this matter as null and void (Docket 8) is granted.
3. Luna's case is dismissed without prejudice.
4. Luna will not be assessed any filing fees or costs.

DATED March 26, 2018.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE